

REMARKS

[1-2] Claims 1 and 9 were rejected under §102 over Maeda '353. This rejection is respectfully traversed. Instant claims 1 and 9 both recite a feature not disclosed by Maeda, namely, “conductivity types of the channel region, the source and the drain are all N-type.”

The Examiner asserts (Office Action at the top of page 3) that Maeda discloses a channel, source, and drain all being of the N-type but, with respect, the Examiner has cited no specific portion of Maeda's text or drawing in support of this assertion, and no support for this assertion is seen in the reference. Instead, Maeda is seen to disclose an N-type source 4 and drain 6, but a P-type channel 5; this is shown in Maeda in Figs. 1-3 and 7-8 (all with “n” and “p” labels) and is disclosed at col. 7, lines 51-60.

Maeda also discloses another device with a P-type source 4 and drain 6 but an N-type channel 5 (Figs. 11-17 and 27-29 and col. 13, lines 21-26).

[3-4] Claims 2, 3, 10, and 9 were rejected under §103 over Maeda in view of Tsukii '858. This rejection is respectfully traversed.

Tsukii, like Maeda, fails to disclose the source, drain, and channel all being of the N-type. Therefore, no combination of these references (not admitted obvious) could reach amended claim 1.

The asserted combination is respectfully traversed for having no stated advantage, whereby at least one element of a *prima facie* case is lacking. With respect, making a transistor “applicable in an integrated circuit” is not an assertion of motivating advantage, but an assertion of reasonable expectation of success. The person of ordinary skill would not have been motivated by such a vague purpose, especially when both of the references already show an integrated circuit (noting Fig. 5 and col. 3, line 10 of Tsukii). The rejection presents no citation to the applied art and no reasoned argument as to motivation.

[5] Claims 4, 5, 12, and 13 were rejected under §103 over Maeda in view of Stein '787.

This rejection is respectfully traversed.

Like Tsukii and Maeda, Stein fails to disclose the source, drain, and channel all being of the N-type. Therefore, no combination of the Maeda and Stein references (not admitted obvious) could reach amended claim 1.

With respect, no motivation is presented in the rejection. The Examiner again asserts that it would have been obvious to combine the references to make the transistor “applicable,” and further asserts the obviousness of combination “to adjust the characteristics of the device” (Action at page 4, line 9). It is respectfully submitted that there would have been no reason for a person of ordinary skill to have adjusted characteristics, without some teaching toward that; and no resulting advantage is evident. The rejection presents no citation to the applied art and no reasoned argument as to motivation.

[6] Claims 6 and 14 were rejected under §103 over Maeda in view of Yamada '070. This rejection is respectfully traversed.

Like the other references, Yamada fails to disclose the source, drain, and channel all being of the N-type. Therefore, no combination of the Maeda and Yamada references (not admitted obvious) could reach amended claim 1.

The asserted combination is again traversed as not being motivated by anything. The Examiner asserts motivation being “to adjust the drain current” and “make the transistor applicable,” but there is no apparent reason for such adjustment or application to be made. The rejection presents no citation to the applied art nor any reasoned argument as to motivation.

[7] Claims 7, 8, 15, and 16 were rejected under §103 over Maeda in view of Kato '678. This rejection is respectfully traversed.


Kato also fails to disclose the source, drain, and channel all being of the N-type. Therefore, no combination of the Maeda and Kato references (not admitted obvious) could reach amended claim 1.

The asserted combination is also traversed as being un-motivated. The Examiner asserts motivation being "to adjust the saturation" but points to no teaching in the references toward this, nor presents any arguments based on common knowledge in the art.

Withdrawal of the rejection is requested.

Respectfully submitted,

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Date



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